

REMARKS/ARGUMENTS

Claims 1-63 were pending and subject to election/restriction. Claim 32 is amended. Claims 64, 65 and 66 are added. Claims 45-63 are canceled without prejudice or disclaimer of subject matter. New claims 64, 65 and 66 find support in the originally filed specification and claims at, for example, originally filed claims 40, 41 and 32, respectively. No new matter is added.

In the Office action, restriction to one of the following inventions is required under 35 USC § 121:

I. Claims 1-32, drawn to various air quality systems, classified in class 422, subclass 186.3.

II. Claims 33-44, drawn to an air cleaning unit, classified in class 422, subclass 186.

III. Claims 45-55, drawn to a method for removing pollutant from an air stream, classified in class 422, subclass 120.

IV. Claims 56-63, drawn to a method for making an air cleaner unit, classified in class 422, subclass 4.

According to the office action, within Group I, the following species existed:

- Ia. Figure 2A
- Ib. Figure 2B
- Ic. Figure 1
- Id. Figure 3

Election/Restriction

Applicants hereby elect Examiner designated Group I, claims 1-32, with traverse. Furthermore, as required by the Examiner, Applicants elect the species of Figure 1, with traverse. Claims 1-13, 14-20 and 26-32 appear to be drawn to the species of Figure 1 and appear to be generic to multiple 'species'. New claims 64 and 65 also appear to be drawn to the species of Figure 1 and are generic to multiple 'species'.

Applicants traverse on the grounds that the reasons for distinction between Groups I and II no longer apply, as the combination (claim 1) now requires the particulars of the subcombination (claim 32, as amended). In the paragraph bridging pages 2 and 3 of the Office Action, the Examiner noted that the combination as claimed does not require the particulars of the subcombination as claimed because the air cleaner unit of claims 33-44 requires a first absorbent unit arranged parallel to the first photocatalytic oxidation unit in the housing. This limitation has been removed from independent claim 33 and moved to new dependent claim 66. For this reason, Applicants respectfully requests rejoinder and examination of claims 33-44 with the elected claims 1-32.

Regarding the requirement for an election of species, Applicants traverse to preserve the requirement for rejoinder of species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. Moreover, Applicants traverse on the grounds that the species, as delineated by the Examiner, are related under the instant disclosure.

MPEP 806.04(b) provides:

Species, while usually independent, may be related under the particular disclosure. Where inventions as disclosed and claimed are both (A) species under a claimed genus and (B) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to other types of restrictions such as those covered in MPEP § 806.05 - § 806.05(i). If restriction is improper under either practice, it should not be required.

Here, the species under Group I are related. For example, the unit of Figure 1 may be used a multiple of times to result in the units of Figures 2A or 2B. Furthermore, the unit of Figure 1 may be used in the aircraft embodiment of Figure 3. In this instance, the office action has not established that restriction is proper under “both . . . practices” of MPEP 806.04(b). Applicants therefore submit that the requirement for election of species is improper.

In summary, Applicants elect the species of Figure 1 and the claims of Group I, claims 1-32, request rejoinder of claims 33-44 and request withdrawal of the requirement for an election of species.

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In the event the examiner wishes to discuss any aspect of this response,
please contact the attorney at the telephone number identified below.

Respectfully submitted,

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